

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JOHN PETER SPARACINO,

Plaintiff,

vs.

AVI CASINO,

Defendant.

Case No. 2:12-cv-00014-JCM-PAL

**REPORT OF FINDINGS AND  
RECOMMENDATION**

This matter is before the court on Plaintiff John Peter Sparacino's failure to comply with the Court's Order (Dkt. #3). Plaintiff filed an incomplete Application to Proceed In Forma Pauperis (Dkt. #1) on January 24, 2012. The court could not determine whether Plaintiff qualified to proceed in forma pauperis. On January 25, 2012, the court entered an Order (Dkt. #3) denying Plaintiff's application without prejudice, directing the Clerk of Court to mail Plaintiff a new application, and allowing Plaintiff to file a completed application or pay the \$350 filing fee on or before February 24, 2012. *See* Order (Dkt. #3). The Order advised Plaintiff that failure to comply would result in a recommendation to the District Judge for dismissal. Plaintiff has not complied or requested an extension of time in which to comply.

Accordingly,

**IT IS RECOMMENDED** that Plaintiff's Application to Proceed In Forma Pauperis be DENIED and this action be DISMISSED without prejudice to the Plaintiff's ability to commence a new action in which he either pays the appropriate filing fee in full or submits a completed application to proceed in forma pauperis.

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1 **IT IS FURTHER RECOMMENDED** that the Clerk of the Court enter judgment accordingly.

2 Dated this 29th day of February, 2012.

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5 PEGGY A. LEEN  
6 UNITED STATES MAGISTRATE JUDGE

7 **NOTICE**

8 These findings and recommendations are submitted to the United States District Judge assigned  
9 to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being  
10 served with these findings and recommendations, any party may file written objections with the court.  
11 Pursuant to Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the findings and  
12 recommendations of a magistrate judge shall file and serve *specific written objections* together with  
13 points and authorities in support of those objections, within fourteen days of the date of service of the  
14 findings and recommendations. The document should be captioned "Objections to Magistrate Judge's  
15 Findings and Recommendations." The parties are advised that failure to file objections within the  
16 specified time may waive the right to appeal the District Court's Order. *Martinez v. Ylst*, 951 F.2d 1153  
17 (9th Cir. 1991). The points and authorities filed in support of the specific written objections are subject  
18 to the page limitations found in LR 7-4.  
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